**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**WRIT PETITION NO. 1730 (SS) OF 2005**

Govind Singh Sijwali,
Son of late Sri B.S. Sijwali,
Resident of Mohalla – Talla Cheemakhan,
Almora, District – Almora. .....Petitioner.

Versus

1. Secretary
   Medical Health and Family Welfare,
   Service, State of Uttaranchal,
   Dehradun.
2. Director of Medical Health and
   Family Welfare Services,
   State of Uttaranchal,
   Dehradun.
3. Chief Medical Officer,
   Almora. .....Respondents.

***Sri Vijay Bhatt, Advocate for the petitioner.***
***Learned Standing Counsel for the State.***

**Dated: 03.03.2006**

**Hon'ble Rajesh Tandon, J.**

By the present writ petition, the petitioner has prayed for a writ of Mandamus commanding the respondents to treat the petitioner on the promotional post as Junior Clerk from 05.07.1985, when he become eligible and qualified and since then he is continuously working as a Junior Clerk. Petitioner has further prayed for a writ of mandamus commanding the

respondents to give all the arrears and consequential benefits of Junior Clerk to the petitioners since 05.07.1985.

2. Brief facts giving rise to the present writ petition are that the petitioner is working as Junior Clerk in the office of the Chief Medical Officer, Almora by virtue of appointment given to him on 22.12.1979 as a Class IV employee.

3. The petitioner has submitted that in the year, 1983, he was asked to fulfill the clerical work on the basis of his qualifications and eligibility to which the petitioner has complied and he has continuously performed his work as a Clerk in sequence of the order No. Charge/83-84, dated 5.5.1983 passed by the Chief Medical Officer, Almora. However, he was given the independent charge as Junior Clerk by way of order dated 5th May, 1983.

4. The petitioner has submitted that in pursuance of the aforesaid order he took over the charge of Junior Clerk on 5th May, 1983 and further vide order dated 05.07.1985, he was given the work of 'dispatch' also as a Junior Clerk and completed five years of continuous service as a Class IV employees and he became eligible to be promoted to the post of Junior Clerk in accordance with the relevant rules.

5. The petitioner has submitted that he completed five years of continuous service as a Clerk and is entitled for promotion under the relevant rules. He has also preferred a representation in this regard before the Chief Medical Officer, but the same has not yet been disposed.

6 The petitioner has referred the judgment passed on 14.10.2004 by this Court in Govind Singh Sijwali Vs. State of Uttaranchal and others (Writ Petition No. 3075 of 2001 (S/S), where a direction was given for considering the seniority of the petitioner and the writ petition was allowed and the

representation by which his seniority was rejected has been quashed by this Court on 14th October, 2004.

7 In view of the above, the respondents are directed to dispose of the representation filed by the petitioner within a period of six weeks from the date of presentation of the certified copy of the order by passing a reasoned order.

8. Writ petition is disposed of. No order as to costs.

**(Rajesh Tandon, J.)**

03.03.2006
*Rathours*